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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,515	01/30/2004	Bhanwar Singh	AMDP999US/H1920	6654
23623 7590 10/30/2007 AMIN, TUROCY & CALVIN, LLP 1900 EAST 9TH STREET, NATIONAL CITY CENTER 24TH FLOOR, CLEVELAND, OH 44114			EXAMINER RUGGLES, JOHN S	
			ART UNIT 1795	PAPER NUMBER
			NOTIFICATION DATE 10/30/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10768515	1/30/04	SINGH ET AL.	AMDP999US/H1920

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## EXAMINER

John Ruggles

## ART UNIT

## PAPER

1795

20071016

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## Commissioner for Patents

The reply brief filed on 8/27/07 is noted by the Examiner and this application is before the Board of Patent Appeals and Interferences (BPAI) for a decision on the appeal.

It is further noted that Appellants have again misunderstood the grounds of rejection relied upon by the Examiner (as previously indicated in the 6/27/07 Examiner's Answer, especially pages 4-8 and 13-17). In particular, on pages 2-4 of the reply brief, Appellants continue to argue against art rejections of claims 1-3 under 35 USC 102(b) alone, but the art rejections (of claims 1-3) actually relied upon by the Examiner are under 35 USC 102(b)/103(a) in alternative form, based on the inherency of prior art mask structure(s) to function in the manner recited by the instant claims.

Appellants' further arguments are unpersuasive and it is still believed that the rejections should be sustained.

jsr  
571-272-1390

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